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Regis J. Crinon

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LEE & HAYES PLLC

421 W RIVERSIDE AVENUE SUITE 500

SPOKANE, WA 99201

EXAMINER

MENDOZA, JUNIOR O

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/663,516 | <b>Applicant(s)</b><br>CRINON ET AL. |  |
|                              | <b>Examiner</b><br>JUNIOR O. MENDOZA | <b>Art Unit</b><br>4115              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> .                                  | 6) <input type="checkbox"/> Other: _____                          |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :04/10/2007; 08/18/2004; 09/15/2003.

## DETAILED ACTION

### *Claim Objections*

1. **Claim 7** is objected to because of the following informalities: The applicant states “wherein: each data **file files** comprises...” where it should be change to “wherein: each data **file** comprises...”.

Appropriate correction is required.

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: in **claim 14 and claim 15**, the applicant states the following element: “the web pages are grouped into web page regions” , where such element is **not** supported by the specification.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claim 14** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. **Claim 15** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

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regards as the invention.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1, 2, 6, 19, 20, 21, 22, 25, 37, 40 and 51** are rejected under 35 U.S.C. 102(b) as being anticipated by Metz et al. (Patent No 5,978,855). Hereinafter referenced as Metz.

Regarding **claim 1**, Metz discloses a method comprising:

cyclically transmitting a set of data files to a plurality of data file receivers (A source system [11] operates a data carousel application to distribute content to set top box [100], where a digital data stream cyclically repeats; the data stream includes video, audio, data and executable code, column 10 lines 1-9 also exhibited on fig 1)

modifying the set of data files based on information received from one or more of the plurality of data file receivers (The software server [12] modifies the file for the data carousel to include the specified material in response to a request, column 46 lines 14-22);

and transmitting the modified set of data files to the plurality of data file receivers (The modified data carousel is transmitted over the broadcast channel, column 46 lines 14-22).

Regarding **claim 2**, Metz discloses everything claimed as applied above (See claim 1), in addition, Metz discloses a method as recited in claim 1, wherein

modifying the set of data files comprises at least one of adding one or more data files to the set of data files (The software server [12] modifies the file for the data carousel by adding the requested material, column 46 lines 14-22)

and removing one or more data files from the set of data files (The software server [12] again modifies the file for the data carousel by removing material, column 46 lines 40-43).

Regarding **claim 6**, Metz discloses everything claimed as applied above (See claim 1), in addition, Metz discloses a method as recited in claim 1, wherein each data file comprises data for rendering an image on a video display (Digital video is being transmitted through a network, column 5 lines 30-32 also exhibited on figure 1, see digital broadcast network [15] and television [103]).

Regarding **claim 19**, Metz discloses everything claimed as applied above (See claim 1), in addition, Metz discloses one or more computer-readable media containing a computer program that is executable by a processor to perform the method recited in

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claim 1 (Server [12] is a personal computer, column 10 lines 25-27, where it is inherent that a personal computer includes a processor).

Regarding **claim 20**, Metz discloses a system comprising:

a data carousel generator cyclically transmitting a set of data files to one or more data file receivers (A source system [11] operates a data carousel application to distribute content to set top box [100], where a digital data stream cyclically repeats; the data stream includes video, audio, data and executable code, column 10 lines 1-9 also exhibited on fig 1);

and a carousel configuration module that modifies the set of data files based on information received from the one or more data file receivers (The software server [12] modifies the file for the data carousel to include the specified material in response to a request, column 46 lines 14-22, where the modified data carousel is transmitted over the broadcast channel, column 46 lines 14-22).

Regarding **claim 21**, Metz discloses everything claimed as above (see claim 20); in addition, claim 21 incorporates all the limitations of claim 2. Therefore, claim 21 stands rejected for the same reasons as stated above (see claim 2) since it is inherent to the apparatus claimed in claim 2.

Regarding **claim 22**, Metz discloses everything claimed as above (see claim 20); in addition, claim 22 incorporates all the limitations of claim 2. Therefore, claim 22

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stands rejected for the same reasons as stated above (see claim 2) since it is inherent to the apparatus claimed in claim 2.

Regarding **claim 25**, Metz discloses everything claimed as above (see claim 20); in addition, claim 25 incorporates all the limitations of claim 6. Therefore, claim 25 stands rejected for the same reasons as stated above (see claim 6) since it is inherent to the apparatus claimed in claim 6.

Regarding **claim 37**, Metz discloses everything as claimed; in addition, claim 37 incorporates all the limitations of claim 1. Therefore, claim 37 stands rejected for the same reasons as stated above (see claim 1) since it is inherent to the apparatus claimed in claim 1.

Regarding **claim 40**, Metz discloses everything claimed as above (see claim 37); in addition, claim 40 incorporates all the limitations of claim 6. Therefore, claim 40 stands rejected for the same reasons as stated above (see claim 6) since it is inherent to the apparatus claimed in claim 6.

Regarding **claim 51**, Metz discloses everything as claimed; in addition, claim 51 incorporates all the limitations of claim 1. Therefore, claim 51 stands rejected for the same reasons as stated above (see claim 1) since it is inherent to the apparatus claimed in claim 1.



***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 3, 4, 5, 7, 9, 23, 24, 26, 28, 38, 39, 41 and 43** are rejected under 35 U.S.C. 103(a) as being unpatentable over Metz in view of Skaringer et al. (Pub No US 2003/0191815). Hereinafter referenced as Skaringer.

Regarding **claim 3**, Metz discloses everything claimed as applied above (See claim 1); in addition, Metz discloses a method as recited in claim 1, wherein

modifying the set of data files comprises at least one of adding one or more data files to the set of data files (The software server [12] modifies the file for the data carousel by adding the requested material, column 46 lines 14-22),

removing one or more data files from the set of data files, and changing the order of the data files in the set of data files (The software server [12] again modifies the file for the data carousel by removing material, column 46 lines 40-43).

It is noted that Metz fails to explicitly disclose that the set of data files comprises two or more data files arranged in a predetermined order. However, the examiner maintains that it was well known in the art to provide such element, as taught by Skaringer.

In a similar field of endeavor Skaringer discloses that the set of data files comprises two or more data files arranged in a predetermined order (The data in the carousel is inserted adjacent to one another and in order, paragraph [0007] also exhibited on fig 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Metz by specifically providing that the set of data files comprise two or more data files arranged in a predetermined order, as taught by Skaringer, for the purpose of providing a data carousel that contains data in a predetermined order, which allows the data to be allocated in an organized manner in order to best suit a particular use, which may decrease the error rate when the distribution of the content is taking place.

Regarding **claim 4**, Metz discloses everything claimed as applied above (See claim 1); however, it is noted that Metz fails to explicitly disclose that modifying the set of data files comprises changing a frequency of an existing data file in the set of data files. However, the examiner maintains that it was well known in the art to provide such element, as taught by Skaringer.

In a similar field of endeavor Skaringer discloses a method as recited in claim 1, wherein modifying the set of data files comprises changing a frequency of an existing data file in the set of data files (Data which is accessed more frequently are distributed on the carousel at a higher frequency, as disclosed in claim 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Metz by specifically modifying the set of data files by changing a frequency of an existing data file in the set of data files, as taught by Skaringer, for the purpose of accessing the most commonly requested file faster which in turn allows a faster distribution of the content.

Regarding **claim 5**, Metz discloses everything claimed as applied above (See claim 1); in addition, Metz discloses a method as recited in claim 1,

wherein the information received from the one or more of the plurality of data file receivers identifies one of the subsets (During an interactive session between the server [18] and the set top box receiver [100], the user may request material to be added from the receiver interface as exhibited on fig 9, column 46 lines 7-22; where the use of an identifier allows the identification of the video or frame, column 6 lines 56-64)

Moreover, Metz discloses a software server [12] which modifies the data carousel to include the specified material in response to a request, column 46 lines 14-22 and the modified data carousel is re-transmitted over the broadcast channel, column 46 lines 14-22.

It is noted that Metz fails to explicitly disclose that the data files are grouped into subsets. However, the examiner maintains that it was well known in the art to provide such element, as taught by Skaringer.

In a similar field of endeavor Skaringer discloses a method as recited in claim 1, wherein the data files are grouped into subsets (All the file objects are grouped in the

modules of the carousel so that they are contained in a subset of the modules, paragraph [0021])

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Metz by specifically providing that the data files are grouped into subsets, as taught by Skaringer, for the purpose of organizing the data, which allows a fasted distribution once a file has been requested.

Regarding **claim 7**, Metz discloses everything claimed as applied above (See claim 1); in addition, Metz discloses that each data file comprises data for rendering an image on a video display (Digital video is being transmitted through a network, column 5 lines 30-32 also exhibited on figure 1, see digital broadcast network [15] and television [103]);

Moreover, Metz discloses a method as recited in claim 1 wherein the information received from the one or more of the plurality of data file receivers identifies one of the subsets (During an interactive session between the server [18] and the set top box receiver [100], the user may request material to be added from the receiver interface as exhibited on fig 9, column 46 lines 7-22; where the use of an identifier allows the identification of the video or frame, column 6 lines 56-64).

Moreover, Metz discloses a software server [12] which modifies the data carousel to include the specified material in response to a request, column 46 lines 14-22 and the modified data carousel is re-transmitted over the broadcast channel, column 46 lines 14-22.

It is noted that Metz fails to explicitly disclose that the data files are grouped into subsets. However, the examiner maintains that it was well known in the art to provide such element, as taught by Skaringer.

In a similar field of endeavor Skaringer discloses a method as recited in claim 1, wherein the data files are grouped into subsets (All the file objects are grouped in the modules of the carousel so that they are contained in a subset of the modules, paragraph [0021])

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Metz by specifically providing that the data files are grouped into subsets, as taught by Skaringer, for the purpose of accessing the most commonly requested file faster which in turn allows a faster distribution.

Regarding **claim 9**, Metz discloses everything claimed as applied above (See claim 1); in addition, Metz discloses that each data file is associated with a computer executable program (Program source [13] column 9 lines 10-20 also exhibited on fig 1).

Moreover, Metz discloses a method as recited in claim 1 wherein the information received from the one or more of the plurality of data file receivers identifies one of the subsets (During an interactive session between the server [18] and the set top box receiver [100], the user may request material to be added from the receiver interface as exhibited on fig 9, column 46 lines 7-22; where the use of an identifier allows the identification of the video or frame, column 6 lines 56-64).

Moreover, Metz discloses a software server [12] which modifies the data carousel to include the specified material in response to a request, column 46 lines 14-22 and the modified data carousel is re-transmitted over the broadcast channel, column 46 lines 14-22.

It is noted that Metz fails to explicitly disclose that the data files are grouped into subsets. However, the examiner maintains that it was well known in the art to provide such element, as taught by Skaringer.

In a similar field of endeavor Skaringer discloses a method as recited in claim 1, wherein:

the data files are grouped into subsets (All the file objects are grouped in the modules of the carousel so that they are contained in a subset of the modules, paragraph [0021]);

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Metz by specifically providing that the data files are grouped into subsets, as taught by Skaringer, for the purpose of accessing the most commonly requested file faster which in turn allows a faster distribution.

Regarding **claim 23**, Metz discloses everything claimed as above (see claim 20); in addition, claim 23 incorporates all the limitations of claim 3. Therefore, claim 23 stands rejected for the same reasons as stated above (see claim 3) since it is inherent to the apparatus claimed in claim 3.

Regarding **claim 24**, Metz discloses everything claimed as above (see claim 20); in addition, claim 24 incorporates all the limitations of claim 5. Therefore, claim 24 stands rejected for the same reasons as stated above (see claim 5) since it is inherent to the apparatus claimed in claim 5.

Regarding **claim 26**, Metz discloses everything claimed as above (see claim 20); in addition, claim 26 incorporates all the limitations of claim 7. Therefore, claim 26 stands rejected for the same reasons as stated above (see claim 7) since it is inherent to the apparatus claimed in claim 7.

Regarding **claim 28**, Metz discloses everything claimed as above (see claim 20); in addition, claim 28 incorporates all the limitations of claim 9. Therefore, claim 28 stands rejected for the same reasons as stated above (see claim 9) since it is inherent to the apparatus claimed in claim 9.

Regarding **claim 38**, Metz discloses everything claimed as above (see claim 37); in addition, claim 38 incorporates all the limitations of claim 3. Therefore, claim 38 stands rejected for the same reasons as stated above (see claim 3) since it is inherent to the apparatus claimed in claim 3.

Regarding **claim 39**, Metz discloses everything claimed as above (see claim 37); in addition, claim 39 incorporates all the limitations of claim 5. Therefore, claim 39 stands rejected for the same reasons as stated above (see claim 5) since it is inherent to the apparatus claimed in claim 5.

Regarding **claim 41**, Metz discloses everything claimed as above (see claim 37); in addition, claim 41 incorporates all the limitations of claim 7. Therefore, claim 41 stands rejected for the same reasons as stated above (see claim 7) since it is inherent to the apparatus claimed in claim 7.

Regarding **claim 43**, Metz discloses everything claimed as above (see claim 37); in addition, claim 43 incorporates all the limitations of claim 9. Therefore, claim 43 stands rejected for the same reasons as stated above (see claim 9) since it is inherent to the apparatus claimed in claim 9.

9. **Claims 8, 27, 42 and 52** are rejected under 35 U.S.C. 103(a) as being unpatentable over Metz in view of Yamaguchi et al. (Pub No US 2002/0054071). Hereinafter referenced as Yamaguchi.

Regarding **claim 8**, Metz discloses everything claimed as applied above (See claim 1); moreover, Metz discloses a method as recited in claim 1, wherein:



each data file comprises data for rendering an image on a video display (Digital video is being transmitted through a network, column 5 lines 30-32 also exhibited on figure 1, see digital broadcast network [15] and television [103]);

Moreover, Metz discloses that during an interactive session between the server [18] and the set top box receiver [100], the user may request material to be added from the receiver interface as exhibited on fig 9, column 46 lines 7-22; where each requested object within a module is identified by the ObjectKey, paragraph [0013]).

Moreover, Metz discloses a software server [12] which modifies the data carousel to include the specified material in response to a request, column 46 lines 14-22 and the modified data carousel is re-transmitted over the broadcast channel, column 46 lines 14-22.

It is noted that Metz fails to explicitly disclose that the data files are hierarchically associated; and the information received from the one or more of the plurality of data file receivers identifies a position in the hierarchy. However, the examiner maintains that it was well known in the art to provide such element, as taught by Yamaguchi.

In a similar field of endeavor Yamaguchi discloses a method as recited in claim 1, the data files are hierarchically associated (The structure of digital broadcast content is in a hierarchy format, paragraph [0017]);

and the information received from the one or more of the plurality of data file receivers identifies a position in the hierarchy (The structure of digital broadcast content is in a hierarchy format, the structure being a hierarchy including a broadcast content,

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data carousels, identification information for modules formatting each data carousel, identification for items of each module in a stated order, paragraph [0017]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Metz by specifically providing that the data files are hierarchically associated; and the information received from the one or more of the plurality of data file receivers identifies a position in the hierarchy, as taught by Yamaguchi, for the purpose of accessing the most commonly requested file faster which in turn allows a faster distribution.

Regarding **claim 27**, Metz discloses everything claimed as above (see claim 20); in addition, claim 27 incorporates all the limitations of claim 8. Therefore, claim 27 stands rejected for the same reasons as stated above (see claim 8) since it is inherent to the apparatus claimed in claim 8.

Regarding **claim 42**, Metz discloses everything claimed as above (see claim 37); in addition, claim 42 incorporates all the limitations of claim 8. Therefore, claim 42 stands rejected for the same reasons as stated above (see claim 8) since it is inherent to the apparatus claimed in claim 8.

Regarding **claim 52**, Metz discloses everything claimed as applied above (See claim 51); in addition, Metz discloses a digital broadcast network [15] which connected all the elements of the device.

It is noted that Metz fails to explicitly disclose that the carousel modification means comprises a carousel configuration module in operable communication with the data carousel generator and the one or more data file receivers. However, the examiner maintains that it was well known in the art to provide such element, as taught by Yamaguchi.

In a similar field of endeavor Yamaguchi discloses a system as recited in claim 51, wherein the carousel modification means comprises a carousel configuration module in operable communication with the data carousel generator and the one or more data file receivers (Control unit [103] and data carousel definition unit [107], paragraph [0058], [0066]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Metz by specifically providing the element mentioned above, as taught by Yamaguchi, for the purpose a providing an element that can keep control of the entire transmission operation, which updates the carousel only when it is need.

10. **Claims 10, 29 and 44** are rejected under 35 U.S.C. 103(a) as being unpatentable over Metz in view of Chernock et al. (Patent No US 6,177,930). Hereinafter referenced as Chernock.

Regarding **claim 10**, Metz discloses everything claimed as applied above (See claim 1); moreover, Metz discloses a method as recited in claim 1, wherein

each data file comprises data for rendering an image on a video display (Digital video is being transmitted through a network, column 5 lines 30-32 also exhibited on figure 1, see digital broadcast network [15] and television [103]);

It is noted that Metz fails to explicitly disclose that each data file includes a user selectable link to another data file in the set of data files and the information received from the one or more of the plurality of data file receivers is associated with user selection of one or more of the links. However, the examiner maintains that it was well known in the art to provide such element, as taught by Chernock.

In a similar field of endeavor Chernock discloses a method as recited in claim 1, wherein each data file includes a user selectable link to another data file in the set of data files (A video presentation receives a series of digital data segments appearing in the presentation on a cyclic basis, where each data segment includes information relating to the image and information which links an active area of the image to another data source, column 2 lines 58-67);

and the information received from the one or more of the plurality of data file receivers is associated with user selection of one or more of the links (When a user

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selects a “hot spot” or link to another file, the set top box [18] sends information to the source about the new data to which the link has pointed, either from the same carousel or from another carousel, column 3 lines 66-67 and column 4 lines 1-7; moreover, each carousel comprises a directory [24] which notes an identity of each file and its position in the carousel, column 3 lines 55-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Metz by specifically providing that each data file includes a user selectable link to another data file in the set of data files and the information received from the one or more of the plurality of data file receivers is associated with user selection of one or more of the links, as taught by Chernock, for the purpose of providing the user with the capabilities to access more information related or unrelated to the content.

Regarding **claim 29**, Metz discloses everything claimed as above (see claim 20); in addition, claim 29 incorporates all the limitations of claim 10. Therefore, claim 29 stands rejected for the same reasons as stated above (see claim 10) since it is inherent to the apparatus claimed in claim 10.

Regarding **claim 44**, Metz discloses everything claimed as above (see claim 37); in addition, claim 44 incorporates all the limitations of claim 10. Therefore, claim 44 stands rejected for the same reasons as stated above (see claim 10) since it is inherent to the apparatus claimed in claim 10.

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11. **Claims 11, 12, 13, 14, 15, 30, 31, 32, 33, 34, 45, 46, 47, 48 and 49** are rejected under 35 U.S.C. 103(a) as being unpatentable over Metz in view of Mao et al. (Patent No US 6,177,930). Hereinafter referenced as Mao.

Regarding **claim 11**, Metz discloses everything claimed as applied above (See claim 1); however, it is noted that Metz fails to explicitly disclose that each data file comprises information associated with a web page. However, the examiner maintains that it was well known in the art to provide such element, as taught by Mao.

In a similar field of endeavor Mao discloses a method as recited in claim 1, wherein:

each data file comprises information associated with a web page (The carousel contains web pages, and where the broadcast web pages contain other URLs as links to other web pages, paragraph [0053]);

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Metz by specifically providing that each data file comprises information associated with a web page, as taught by Mao, for the purpose of providing the user with the capabilities to access more information related or unrelated to the content.

Regarding **claim 12**, Metz discloses everything claimed as applied above (See claim 1); however, it is noted that Metz fails to explicitly disclose that each data file

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comprises a web page. However, the examiner maintains that it was well known in the art to provide such element, as taught by Mao.

In a similar field of endeavor Mao discloses a method as recited in claim 1, wherein:

each data file comprises a web page (The carousel contains web pages, and where the broadcast web pages contain other URLs as links to other web pages, paragraph [0053]);

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Metz by specifically providing that each data file comprises information associated with a web page, as taught by Mao, for the purpose of providing the user with the capabilities to access more information related or unrelated to the content.

Regarding **claim 13**, Metz discloses everything claimed as applied above (See claim 1); however, it is noted that Metz fails to explicitly disclose that each data file comprises a web page; each web page includes one or more hypertext links and the information received from the one or more of the plurality of data file receivers is associated with user selection of one or more of the hypertext links. However, the examiner maintains that it was well known in the art to provide such element, as taught by Mao.

In a similar field of endeavor Mao discloses a method as recited in claim 1, wherein:

each data file comprises a web page (The carousel contains web pages, paragraph [0053]);

each web page includes one or more hypertext links (Where the broadcast web pages contain other URLs as links to other web pages, paragraph [0053]);

and the information received from the one or more of the plurality of data file receivers is associated with user selection of one or more of the hypertext links (Once a link has been chosen at the receiver side, through the set top box, the requested information is provided to the user, paragraph [0030]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Metz by specifically providing that each data file comprises a web page; each web page includes one or more hypertext links and the information received from the one or more of the plurality of data file receivers is associated with user selection of one or more of the hypertext links, as taught by Mao, for the purpose of providing the user with the capabilities to access more information related or unrelated to the content.

Regarding **claim 14**, Metz discloses everything claimed as applied above (See claim 1); however, it is noted that Metz fails to explicitly disclose that each data file comprises a web page; each web page includes one or more hypertext links; the web pages are grouped into web page regions; and the information received from the one or more of the plurality of data file receivers identifies one or more a web page regions.



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However, the examiner maintains that it was well known in the art to provide such element, as taught by Mao.

In a similar field of endeavor Mao discloses a method as recited in claim 1, wherein:

each data file comprises a web page (The carousel contains web pages, paragraph [0053]);

each web page includes one or more hypertext links (Where the broadcast web pages contain other URLs as links to other web pages, paragraph [0053]);

the web pages are grouped into web page regions (The set top box monitors the rotating carousel and the HTML page data is stored and displayed, paragraph [0026]);

and the information received from the one or more of the plurality of data file receivers identifies one or more a web page regions (Once a link has been chosen at the receiver side, through the set top box, the requested information is provided to the user and displayed, paragraphs[0026] and [0030]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Metz by specifically providing that each data file comprises a web page; each web page includes one or more hypertext links; the web pages are grouped into web page regions; and the information received from the one or more of the plurality of data file receivers identifies one or more a web page regions, as taught by Mao, for the purpose of providing the user with the capabilities to access more information related or unrelated to the content.

Regarding **claim 15**, Metz discloses everything claimed as applied above (See claim 1); however, it is noted that Metz fails to explicitly disclose that each data file comprises a web page; each web page includes one or more hypertext links; the web pages are grouped into web page regions; and the information received from the one or more of the plurality of data file receivers identifies a web page region including a web page identified by a user selected hypertext link. However, the examiner maintains that it was well known in the art to provide such element, as taught by Mao.

In a similar field of endeavor Mao discloses a method as recited in claim 1, wherein:

each data file comprises a web page (The carousel contains web pages, paragraph [0053]);

each web page includes one or more hypertext links (Where the broadcast web pages contain other URLs as links to other web pages, paragraph [0053]);

the web pages are grouped into web page regions (The set top box monitors the rotating carousel and the HTML page data is stored and displayed, paragraph [0026]);

and the information received from the one or more of the plurality of data file receivers identifies a web page region including a web page identified by a user selected hypertext link (Once a link has been chosen at the receiver side, through the set top box, the requested information is provided to the user and displayed, paragraphs[0026] and [0030]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Metz by specifically providing that each data file

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comprises a web page; each web page includes one or more hypertext links; the web pages are grouped into web page regions; and the information received from the one or more of the plurality of data file receivers identifies a web page region including a web page identified by a user selected hypertext link, as taught by Mao, for the purpose of providing the user with the capabilities to access more information.

Regarding **claim 30**, Metz discloses everything claimed as above (see claim 20); in addition, claim 30 incorporates all the limitations of claim 11. Therefore, claim 30 stands rejected for the same reasons as stated above (see claim 11) since it is inherent to the apparatus claimed in claim 11.

Regarding **claim 31**, Metz discloses everything claimed as above (see claim 20); in addition, claim 31 incorporates all the limitations of claim 12. Therefore, claim 31 stands rejected for the same reasons as stated above (see claim 12) since it is inherent to the apparatus claimed in claim 12.

Regarding **claim 32**, Metz discloses everything claimed as above (see claim 20); in addition, claim 32 incorporates all the limitations of claim 13. Therefore, claim 32 stands rejected for the same reasons as stated above (see claim 13) since it is inherent to the apparatus claimed in claim 13.

Regarding **claim 33**, Metz discloses everything claimed as above (see claim 20); in addition, claim 33 incorporates all the limitations of claim 14. Therefore, claim 33 stands rejected for the same reasons as stated above (see claim 14) since it is inherent to the apparatus claimed in claim 14.

Regarding **claim 34**, Metz discloses everything claimed as above (see claim 20); in addition, claim 34 incorporates all the limitations of claim 15. Therefore, claim 34 stands rejected for the same reasons as stated above (see claim 15) since it is inherent to the apparatus claimed in claim 15.

Regarding **claim 45**, Metz discloses everything claimed as above (see claim 37); in addition, claim 45 incorporates all the limitations of claim 11. Therefore, claim 45 stands rejected for the same reasons as stated above (see claim 11) since it is inherent to the apparatus claimed in claim 11.

Regarding **claim 46**, Metz discloses everything claimed as above (see claim 37); in addition, claim 46 incorporates all the limitations of claim 12. Therefore, claim 46 stands rejected for the same reasons as stated above (see claim 12) since it is inherent to the apparatus claimed in claim 12.

Regarding **claim 47**, Metz discloses everything claimed as above (see claim 37); in addition, claim 47 incorporates all the limitations of claim 13. Therefore, claim 47

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stands rejected for the same reasons as stated above (see claim 13) since it is inherent to the apparatus claimed in claim 13.

Regarding **claim 48**, Metz discloses everything claimed as above (see claim 37); in addition, claim 48 incorporates all the limitations of claim 14. Therefore, claim 48 stands rejected for the same reasons as stated above (see claim 14) since it is inherent to the apparatus claimed in claim 14.

Regarding **claim 49**, Metz discloses everything claimed as above (see claim 37); in addition, claim 49 incorporates all the limitations of claim 15. Therefore, claim 49 stands rejected for the same reasons as stated above (see claim 15) since it is inherent to the apparatus claimed in claim 15.

12. **Claims 16, 18, 36, 50 and 54** are rejected under 35 U.S.C. 103(a) as being unpatentable over Metz in view of Fries (Patent No US 6,317,885). Hereinafter referenced as Fries.

Regarding **claim 16**, Metz discloses everything claimed as applied above (See claim 1); however, it is noted that Metz fails to explicitly disclose the method of determining a number of data files accommodated by the set of data files; identifying a maximum latency value between successive transmissions of a particular data file in the

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set of data; identifying a request frequency associated with various data files and inserting data files into the set of data files based on the identified request frequency, the maximum latency value permitted between successive transmissions of a particular data file in the set of data files, and the information received from the one or more of the plurality of data file receivers. However, the examiner maintains that it was well known in the art to provide such element, as taught by Fries.

In a similar field of endeavor Fries discloses a method as recited in claim 1, further comprising:

determining a number of data files accommodated by the set of data files (Program association table [139] associates programs with program map PIDs and thus contains as many entries as the number of carousel pages, column 19 lines 41-50);

identifying a maximum latency value between successive transmissions of a particular data file in the set of data files (Carousel [50] encloses a maximum latency at which an image can be updated, column 8 lines 13-25);

identifying a request frequency associated with various data files (A frequently accessed page may be modified to satisfy the demand, column 8 lines 13-25);

and inserting data files into the set of data files based on the identified request frequency, the maximum latency value permitted between successive transmissions of a particular data file in the set of data files, and the information received from the one or more of the plurality of data file receivers (A frequently accessed page may be modified to satisfy the demand, where such file is placed in the carousel [50] more than once at

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spaced apart locations to reduce the latency for that page by increasing its frequency, column 8 lines 13-25)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Metz by specifically providing the elements mentioned above, as taught by Fries, for the purpose of allowing data files to be transmitted from the broadcaster to multiple receivers or clients simultaneously, and by updating the data carousel with frequently requested files increases the speed of the distribution of the files.

Regarding **claim 18**, Metz and Fries disclose everything claimed as applied above (See claim 16); in addition, Fries discloses a method as recited in claim 16, further comprising

positioning the inserted data files such that a worst case latency between successive transmissions of a particular data file is less than the maximum latency value (Frequently accessed pages may be placed in the carousel [50] more than once at the spaced apart locations to reduce the latency for that page by increasing its frequency, column 8 lines 13-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Metz by specifically providing the method of positioning the inserted data files such that a worst case latency between successive transmissions of a particular data file is less than the maximum latency value, as taught by Fries, for the purpose of allowing data files to be transmitted from the broadcaster to

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multiple receivers or clients simultaneously, and by updating the data carousel with frequently requested files increases the speed of the distribution of the files.

Regarding **claim 36**, Metz discloses everything claimed as above (see claim 20); in addition, claim 36 incorporates all the limitations of claim 18. Therefore, claim 36 stands rejected for the same reasons as stated above (see claim 18) since it is inherent to the apparatus claimed in claim 18.

Regarding **claim 50**, Metz discloses everything claimed as above (see claim 37); in addition, claim 50 incorporates all the limitations of claim 18. Therefore, claim 50 stands rejected for the same reasons as stated above (see claim 18) since it is inherent to the apparatus claimed in claim 18.

Regarding **claim 54**, Metz discloses everything claimed as above (see claim 51); in addition, claim 54 incorporates all the limitations of claim 18. Therefore, claim 54 stands rejected for the same reasons as stated above (see claim 18) since it is inherent to the apparatus claimed in claim 18.



13. **Claims 17, 35 and 53** are rejected under 35 U.S.C. 103(a) as being unpatentable over Metz in view of Sugimori et al (Patent Pub No 2002-135215). Hereinafter referenced as Sugimori.

Regarding **claim 17**, Metz and Fries disclose everything claimed as applied above (See claim 16); in addition, Fries discloses the method of modifying composition of the set of data files if the worst case latency exceeds a threshold value (A frequently accessed page may be modified to satisfy the demand, where such file is placed in the carouse [50] more than once at spaced apart locations to reduce the latency for that page by increasing its frequency, column 8 lines 13-25).

It is noted that Metz fails to explicitly disclose the method of monitoring the worst case latency between successive transmissions of a data file in the set of data files. However, the examiner maintains that it was well known in the art to provide such element, as taught by Sugimori.

In a similar field of endeavor Sugimori discloses a method as recited in claim 16, further comprising:

monitoring the worst case latency between successive transmissions of a data file in the set of data files (monitoring and updating the files by altering the files to be distributed faster, see abstract);

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Metz and Fries by specifically providing the method of monitoring the worst case latency between successive transmissions of a data file in the

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set of data files, as taught by Sugimori, for the purpose of allowing data files to be transmitted from the broadcaster to multiple receivers or clients simultaneously, and by updating the data carousel with frequently requested files increases the speed of the distribution of the files.

Regarding **claim 35**, Metz discloses everything claimed as above (see claim 20); in addition, claim 35 incorporates all the limitations of claim 17. Therefore, claim 35 stands rejected for the same reasons as stated above (see claim 17) since it is inherent to the apparatus claimed in claim 17.

Regarding **claim 53**, Metz discloses everything claimed as above (see claim 51); in addition, claim 53 incorporates all the limitations of claims 1 and 17. Therefore, claim 53 stands rejected for the same reasons as stated above (see claims 1 and 17) since it is inherent to the apparatus claimed in claims 1 and 17, respectively.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUNIOR O. MENDOZA whose telephone number is (571)270-3573. The examiner can normally be reached on Monday - Thursday 8am - 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jefferey Harold can be reached on 571-272-7519. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Junior O Mendoza  
Examiner  
Art Unit 4115

/J. O. M./  
December 20, 2007  
/Jefferey F Harold/  
Supervisory Patent Examiner, Art Unit 4115